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STATE BAR COURT
HEARING DEPARTMENT - SAN FRANCISCO

In the Matter of:) Case No. 16-O-10277 [16-O-15762]
DANIEL EVERETT,)
No. 268967,) NOTICE OF DISCIPLINARY CHARGES
A Member of the State Bar)

NOTICE - FAILURE TO RESPOND!

**IF YOU FAIL TO FILE A WRITTEN ANSWER TO THIS NOTICE
WITHIN 20 DAYS AFTER SERVICE, OR IF YOU FAIL TO APPEAR AT
THE STATE BAR COURT TRIAL:**

- (1) YOUR DEFAULT WILL BE ENTERED;**
- (2) YOUR STATUS WILL BE CHANGED TO INACTIVE AND YOU
WILL NOT BE PERMITTED TO PRACTICE LAW;**
- (3) YOU WILL NOT BE PERMITTED TO PARTICIPATE FURTHER IN
THESE PROCEEDINGS UNLESS YOU MAKE A TIMELY MOTION
AND THE DEFAULT IS SET ASIDE, AND;**
- (4) YOU SHALL BE SUBJECT TO ADDITIONAL DISCIPLINE.
SPECIFICALLY, IF YOU FAIL TO TIMELY MOVE TO SET ASIDE
OR VACATE YOUR DEFAULT, THIS COURT WILL ENTER AN
ORDER RECOMMENDING YOUR DISBARMENT WITHOUT
FURTHER HEARING OR PROCEEDING. SEE RULE 5.80 ET SEQ.,
RULES OF PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

The State Bar of California alleges:



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1 bankruptcy petitions. Respondent failed to disclose that on or about April 15,
2 2013 he had filed case number 13-17960-KCF a chapter 7 bankruptcy in the
3 District of New Jersey. Respondent failed to disclose that on or about August 19,
4 2013, he had filed case number 13-31855-HLB, a chapter 7 bankruptcy in the
5 Northern District of California (San Francisco).

6 C. On or about November 6, 2013, respondent filed case number 13-09272-
7 ESL, a chapter 7 bankruptcy in the District of Puerto Rico. Respondent was
8 required to disclose any and all previously filed bankruptcy petitions. Respondent
9 failed to disclose that on or about April 15, 2013 he had filed case number 13-
10 17960-KCF a chapter 7 bankruptcy in the District of New Jersey. Respondent
11 failed to disclose that on or about August 19, 2013, respondent filed case number
12 13-31855-HLB, a chapter 7 bankruptcy in the Northern District of California (San
13 Francisco).

14 D. On or about November 19, 2013, respondent filed case number 13-30015-
15 MFW, a chapter 7 bankruptcy in the District Court of the Virgin Islands.
16 Respondent was required to disclose any and all previously filed bankruptcy
17 petitions. Respondent failed to disclose that on or about April 15, 2013 he had
18 filed case number 13-17960-KCF a chapter 7 bankruptcy in the District of New
19 Jersey. Respondent failed to disclose that on or about September 23, 2013 he had
20 filed case number 13-32111-HLB in the Northern District of California (San
21 Francisco). Respondent failed to disclose that on or about November 6, 2013,
22 respondent filed case number 13-09272-ESL, a chapter 7 bankruptcy in the
23 District of Puerto Rico.

24 E. On or about December 5, 2014, respondent filed case number 14-18854-
25 MLB, a chapter 7 bankruptcy in the Western District of Washington. Respondent
26 was required to disclose any and all previously filed bankruptcy petitions.
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1 Respondent failed to disclose that on or about April 15, 2013 he had filed case
2 number 13-17960-KCF a chapter 7 bankruptcy in the District of New Jersey.

3 F. On or about July 6, 2015 respondent filed case number 15-52214-MEH, a
4 chapter 7 bankruptcy in the Northern District of California (San Jose).

5 Respondent was required to disclose any and all previously filed bankruptcy
6 petitions. Respondent failed to disclose that on or about April 15, 2013 he had
7 filed case number 13-17960-KCF a chapter 7 bankruptcy in the District of New
8 Jersey. Respondent failed to disclose that on or about August 19, 2013 he had
9 filed case number 13-31855-HLB a chapter 7 bankruptcy in the Northern District
10 of California (San Francisco). Respondent failed to disclose that on or about
11 September 23, 2013 he had filed case number 13-32111-HLB a chapter 13
12 bankruptcy in the Northern District of California (San Francisco.) Respondent
13 failed to disclose that on or about December 5, 2014, respondent filed case
14 number 14-18854-MLB, a chapter 7 bankruptcy in the Western District of
15 Washington.

16 COUNT THREE

17 Case No. 16-O-15762
18 Business and Professions Code, section 6103
[Failure to Obey a Court Order]

19 4. Respondent disobeyed or violated an order of the court requiring respondent to do or
20 forbear an act connected with or in the course of respondent's profession which respondent ought
21 in good faith to do or forbear by failing to comply with the January 21, 2015 Western District of
22 Washington Bankruptcy Court Order in case number 14-18854-MBL, which prohibited
23 respondent from filing any new bankruptcy petition within two years of the January 21, 2015
24 order. On July 6, 2015, respondent filed case number 15-52214-MEH a chapter 7 bankruptcy in
25 the Northern District of California (San Jose), in willful violation of Business and Professions
26 Code, section 6103.

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COUNT FOUR

Case No. 16-O-15762
Business and Professions Code, section 6068(b)
[Failure to Maintain Respect to the Court]

5. Respondent failed to maintain respect to the court when he disobeyed or violated an order of the court issued on January 21, 2015 by the Western District of Washington Bankruptcy Court Order in case number 14-18854-MBL, which prohibited respondent from filing any new bankruptcy petition within two years of the January 21, 2015 order. On July 6, 2015, respondent filed case number 15-52214-MEH a chapter 7 bankruptcy in the Northern District of California (San Jose), in willful violation of Business and Professions Code, section 6068(b).

COUNT FIVE

Case No. 16-O-15762
Business and Professions Code, section 6068(d)
[Seeking to Mislead a Judge]

6. Between on or about April 15, 2013 and on or about July 6, 2015, respondent stated in his bankruptcy petitions that he had been domiciled or had a residence, principal place of business, or principal assets in each of the districts for at least 180 days immediately preceding the date of the bankruptcy petition in the districts identified below, respondent attested that he lived in each district for at least 180 days and respondent knew the statement was false, and thereby sought to mislead the judge or judicial officer by an artifice or false statement of fact or law, in willful violation of Business and Professions Code, section 6068(d):

A. On or about April 15, 2013 respondent filed case number 13-17960-KCF a chapter 7 bankruptcy in the District of New Jersey and attested that he had lived in the district for at least 180 days. Respondent listed his address as 1 Lancaster Drive, West Hampton NJ 08060 ("Lancaster drive".) Lancaster Drive is a private residence, which sold in 2011 and is currently in foreclosure. Respondent did not list Lancaster Drive in the real property listing of his chapter 7 petition, indicating that he owned the property. Respondent represented that he had resided or been domiciled at the Lancaster Drive address between 2011-2013.

1 B. On or about November 6, 2013, respondent filed case number 13-09272-
2 ESL, a chapter 7 bankruptcy in the District of Puerto Rico and attested that there
3 was a bankruptcy case concerning debtor's affiliate, general partner or partnership
4 in the district. Respondent listed his address as 1 San Geronimo Street, San Juan,
5 Puerto Rico 00901 (San Geronimo.) He did list San Francisco as his county of
6 residence or principal place of business.

7 C. On or about November 19, 2013, respondent filed case number 13-30015-
8 MFW, a chapter 7 bankruptcy in the District Court of the Virgin Islands and
9 attested that the debtor was a debtor in a foreign proceeding and that he had his
10 principal place of business or principal assets in the United States in the District
11 or had no principal place of business or assets in the United States but was a
12 defendant in an action or proceeding in a federal or state court in the District or
13 the interests of the parties would be served in regard to the relief sought in the
14 District. Respondent listed his address as 7338 Estate Bakkeroe Saint Thomas,
15 St. Thomas US Virgin Isla (Estate Bakkeroe.) He did list San Francisco as his
16 county of residence or principal place of business.

17 D. On or about December 5, 2014, respondent filed case number 14-18854-
18 MLB, a chapter 7 bankruptcy in the Western District of Washington and attested
19 that he had been domiciled or resided in the district for at least 180 days. He
20 listed his address as 4136 21st Avenue Southwest, Seattle Washington 98106
21 (21st Avenue.)

22 E. On or about July 6, 2015 respondent filed case number 15-52214-MEH, a
23 chapter 7 bankruptcy in the Northern District of California (San Jose) and attested
24 that he had been domiciled or resided in the district for at least 180 days. He
25 listed his address as 5609 Silver Creek Valley Rd., San Jose, CA 95138 ("Silver
26 Creek".) The address belongs to a business center.
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COUNT SIX

Case No. 16-O-15762
Business and Professions Code, section 6106
[Moral Turpitude - Misrepresentation]

7. On or about April 15, 2013 through on or about July 6, 2015, respondent stated in writing to the bankruptcy district courts in his bankruptcy petitions that that he was domiciled in the district when respondent knew that statements was false and misleading. Respondent thereby committed an act involving moral turpitude, dishonesty or corruption in willful violation of Business and Professions Code, section 6106

A. On or about April 15, 2013 respondent filed case number 13-17960-KCF a chapter 7 bankruptcy in the District of New Jersey and attested that he had lived in the district for at least 180 days. Respondent listed his address as 1 Lancaster Drive, West Hampton NJ 08060 ("Lancaster drive".) Lancaster Drive is a private residence, which sold in 2011 and is currently in foreclosure. Respondent did not list Lancaster Drive in the real property listing of his chapter 7 petition, indicating that he owned the property. Respondent represented that he had resided or been domiciled at the Lancaster Drive address between 2011-2013.

B. On or about November 6, 2013, respondent filed case number 13-09272-ESL, a chapter 7 bankruptcy in the District of Puerto Rico and attested that there was a bankruptcy case concerning debtor's affiliate, general partner or partnership in the district. Respondent listed his address as 1 San Geronimo Street, San Juan, Puerto Rico 00901 (San Geronimo.) He did list San Francisco as his county of residence or principal place of business.

C. On or about November 19, 2013, respondent filed case number 13-30015-MFW, a chapter 7 bankruptcy in the District Court of the Virgin Islands and attested that the debtor was a debtor in a foreign proceeding and that he had his principal place of business or principal assets in the United States in the District or had no principal place of business or assets in the United States but was a

1 defendant in an action or proceeding in a federal or state court in the District or
2 the interests of the parties would be served in regard to the relief sought in the
3 District. Respondent listed his address as 7338 Estate Bakkeroe Saint Thomas,
4 St. Thomas US Virgin Isla (Estate Bakkeroe.) He did list San Francisco as his
5 county of residence or principal place of business.

6 D. On or about December 5, 2014, respondent filed case number 14-18854-
7 MLB, a chapter 7 bankruptcy in the Western District of Washington and attested
8 that he had been domiciled or resided in the district for at least 180 days. He
9 listed his address as 4136 21st Avenue Southwest, Seattle Washington 98106
10 (21st Avenue.)

11 E. On or about July 6, 2015 respondent filed case number 15-52214-MEH, a
12 chapter 7 bankruptcy in the Northern District of California (San Jose) and attested
13 that he had been domiciled or resided in the district for at least 180 days. He
14 listed his address as 5609 Silver Creek Valley Rd., San Jose, CA 95138 ("Silver
15 Creek".) The address belongs to a business center.

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17 8. A violation of section 6106 may result from intentional conduct or grossly negligent
18 conduct. Respondent is charged with committing intentional misrepresentation. However,
19 should the evidence at trial demonstrate that respondent committed misrepresentation as a result
20 of gross negligence, respondent must still be found culpable of violating section 6106 because
21 misrepresentation through gross negligence is a lesser included offense of intentional
22 misrepresentation.

23 COUNT SEVEN

24 Case No. 16-O-15762
25 Business and Professions Code, section 6068(b)
[Failure to Maintain Respect to the Court]

26 9. Between on or about April 15, 2013 through on or about December 5, 2014,
27 respondent filed multiple bankruptcy petitions in multiple districts and thereafter failed to
28 properly or timely prosecute the cases or otherwise fulfill his obligations under the bankruptcy

code, thereby abusing the bankruptcy system, respondent thereby wilfully violated Business and Professions Code, section 6068(b), by failing to maintain the respect due to the courts of justice and judicial officers as noted below:

Case Number	Chapter	Name	Date Filed	District	Disposition
13-17960	7	Daniel Choe Everett	April 15, 2013	New Jersey	Dismissed May 1, 2013 for failure to pay filing fees.
13-31855	7	Daniel O'Blenis	August 19, 2013	Northern District of California	Dismissed on October 1, 2013 for failure to file information.
13-32111	13	Daniel Everett	September 23, 2013	Northern District of California	Dismissed on October 18, 2013 for failure to pay filing fees.
13-09272	7	Daniel Everett O'Blenis	November 6, 2013	District of Puerto Rico	Dismissed on November 18, 2013 for failure to pay filing fees.
13-30015	7	Daniel Everett O'Blenis	November 19, 2013	District Court Virgin Islands	Dismissed in on Dec. 11, 2013, for failure to file documents and pay filing fees
14-43328	13	Daniel Everett O'Blenis	August 12, 2014	Northern District California	Dismissed on August 22, 2014 for failure to file documents.
14-18854	7	Daniel Everett	December 5, 2014	Western District Washington	Dismissed on January 21, 2015 with prejudice; barred from filing any new bankruptcy petitions for two years.

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NOTICE - INACTIVE ENROLLMENT!

YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE RECOMMENDED BY THE COURT.


NOTICE - COST ASSESSMENT!

IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE, YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6086.10.

Respectfully submitted,

THE STATE BAR OF CALIFORNIA
OFFICE OF CHIEF TRIAL COUNSEL

DATED: September 7, 2018

By: 

Maria J. Oropeza
Senior Trial Counsel

DECLARATION OF SERVICE

by

U.S. FIRST-CLASS MAIL / U.S. CERTIFIED MAIL / OVERNIGHT DELIVERY / FACSIMILE-ELECTRONIC TRANSMISSION

CASE NUMBER(s): 16-O-10277 [16-O-15762]

I, the undersigned, am over the age of eighteen (18) years and not a party to the within action, whose business address and place of employment is the State Bar of California, 180 Howard Street, San Francisco, California 94105, declare that:

- on the date shown below, I caused to be served a true copy of the within document described as follows:

NOTICE OF DISCIPLINARY CHARGES



By U.S. First-Class Mail: (CCP §§ 1013 and 1013(a))

- in accordance with the practice of the State Bar of California for collection and processing of mail, I deposited or placed for collection and mailing in the City and County of San Francisco.



By U.S. Certified Mail: (CCP §§ 1013 and 1013(a))



By Overnight Delivery: (CCP §§ 1013(c) and 1013(d))

- I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for overnight delivery by the United Parcel Service ("UPS").



By Fax Transmission: (CCP §§ 1013(e) and 1013(f))

Based on agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed herein below. No error was reported by the fax machine that I used. The original record of the fax transmission is retained on file and available upon request.



By Electronic Service: (CCP § 1010.6)

Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the person(s) at the electronic addresses listed herein below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.



(for U.S. First-Class Mail) in a sealed envelope placed for collection and mailing at San Francisco, addressed to: *(see below)*



(for Certified Mail) in a sealed envelope placed for collection and mailing as certified mail, return receipt requested, Article No.: See Below at San Francisco, addressed to: *(see below)*



(for Overnight Delivery) together with a copy of this declaration, in an envelope, or package designated by UPS, Tracking No.: addressed to: *(see below)*

Person Served	Business-Residential Address	Fax Number	Courtesy Copy to:
Daniel Everett	Law Office of Daniel Everett 15 Boardman Pl Ste 2 San Francisco, CA 94103-4724 <i>Article No. 9414 7266 9904 2112 6609 79</i>		
C. Zadik Shapiro	2139 Knox Ave, Pittsburg, CA 94565-4736 <i>Article No. 9414 7266 9904 2069 9462 32</i>	Electronic Address	

☐ via inter-office mail regularly processed and maintained by the State Bar of California addressed to:

N/A

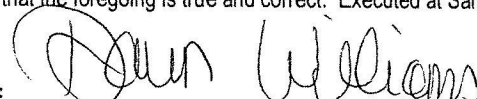
I am readily familiar with the State Bar of California's practice for collection and processing of correspondence for mailing with the United States Postal Service, and overnight delivery by the United Parcel Service ("UPS"). In the ordinary course of the State Bar of California's practice, correspondence collected and processed by the State Bar of California would be deposited with the United States Postal Service that same day, and for overnight delivery, deposited with delivery fees paid or provided for, with UPS that same day.

I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date on the envelope or package is more than one day after date of deposit for mailing contained in the affidavit.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed at San Francisco, California, on the date shown below.

DATED: September 7, 2018

SIGNED:



Dawn Williams
Declarant